



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/387,195	08/31/1999	VICKI ST. JOHN	AND1P096	2303

28164 7590 01/30/2003

BRINKS HOFER GILSON & LIONE
P O BOX 10395
CHICAGO, IL 60610

EXAMINER

ARMSTRONG, ANGELA A

ART UNIT PAPER NUMBER

2654

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

34

Office Action Summary

Application No.

09/387,195

Applicant(s)

ST. JOHN, VICKI

Examiner

Angela A. Armstrong

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al

“Surfin’ the World Wide Web in Japanese in view of Talmor (US Patent No. 5,913,196).

As per claim 1, Kondo et al disclose a method for recognizing voice commands for manipulating data on the Internet, (see Title and Abstract), comprising the steps of
providing data on a website on the Internet, (see page 1153, Fig. 1, "Internet");
receiving voice signals from a user accessing the website, (see page 1153, Fig. 1, "Speech, Links, Commands, Queries");
interpreting the voice signals of the user for determining navigational command, (see page 1153, Fig. 1, "Speech Recognizer", "Interpretation", "Speakable Commands");
outputting selected data of the website based on the navigational commands, (see Fig. 1, "WWW browser").

Kondo fail to explicitly teach establishing the identity of the user through the voice signals. However, this feature is well known in the art.

In a similar field of endeavor, Talmor discloses a method for identifying a person's identity over a secured network comprising the step of establishing the identity of the user through at least two voice authentication algorithms, (see Abstract, lines 2-3).

Art Unit: 2654

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the voice verification system of Talmor in Kondo's voice browser, for the purpose of establishing the identity of a speaker via voice authentication for authorized access to a secured system, as suggested by Talmor (col. 3, lines 6-8).

As per claim 2, Kondo et al. disclose a method wherein the data includes a voice activated application, the navigation commands controlling execution of the application, (see Abstract).

As per claim 3, Kondo et al. disclose a method wherein the user accesses the web site from at least one of a computer and a telephone, (This features are inherent to a method/system for accessing the Internet).

As per claim 4, Kondo et al. disclose a method comprising determining a language from the voice signals, (see page 1152, section 3. 1).

As per claim 5, Kondo et al. disclose a method further comprising utilizing artificial intelligence to interact with the user, (see Fig. 1, "ruled heuristics").

As per claim 6, Kondo et al. disclose a method wherein the selected data includes voice signals and is outputted to a telephone, (see page 1153, Fig. 1 and Abstract).

As per claims 7-12, 13-18, 19-33, Claims 7-12, 13-18 and 19-33 are similar in scope and content to claims 1-6 rejected above, therefore claims 7-12, 13-18, 19-33 are rejected under the same rationale.

Response to Arguments

2. Applicant's arguments filed November 18, 2002 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Talmor specifically teaches the implementation of at least two voice authentication algorithms for the purpose of establishing the identity of a speaker for authorized access to a secured system.

Applicant argues "there is no suggestion in Kondo that access should be restricted" and "there is no mention in Kondo of voice authentication." Applicant also argues "Talmor does not mention voice-command navigation." In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this instance, Kondo was cited for teaching voice command navigation and Talmor was cited for teaching access restriction and voice authentication. Therefore, the combination would provide for user voice authentication for access to a voice command navigation system.

Art Unit: 2654

Applicant argues the Kondo article teaches that voice recognition will make the Internet easier to navigate and will thus attract more users. Applicant further argues that the Talmor patent is directed to restricting access through voice authentication algorithms. In response, the Examiner argues Kondo teaches that using speech to access the Web will make browsers more friendly and powerful, and make the introduction to the computer and the Internet smoother. Further, Talmor teaches speaker identification via voice authentication algorithms for authorized access to a secured computer network system. However, the references are in the same field of endeavor because both are drawn to voice recognition implementation in a computer network system. The references were combined to provide for user voice authentication for access to a voice command navigation system. Since Kondo teaches using speech to access and navigate the Internet and Talmor teaches speaker identification via voice authentication algorithms for authorized access to a secured computer network system, the combination therefore provides support for the claimed limitations.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2654

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Angela A. Armstrong
Examiner
Art Unit 2654

AAA
January 24, 2003

Marsha D. Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600